IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 11261 of 2000

Between:

Komatireddy Lakshmi, W/o.Late Venkata Reddy
Rajakkapet Village , Mandal Dubbak, Medak Dist.

..... PETITIONER

AND

1 The Dist Collector,
Medak Dist at Sangareddy
2 The Joint Collector,
Medak Dist at SangaReddy
3 The Revenue Divisional Officer,
Siddipet , Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to may be pleased to issue a writ order or direction , a writ more particularly a writ in the nature of writ of Mandamus declaring the action of the respondents in proceedings No.B/490/97 dt:30-9-1997 of the 3rd respondent and in confirming the same by the 2nd respondent in proceedings No.CCA/22/A/97 dt:9-6-1998 and also confirming the same by the 1st respondent in proceedings case No.CSA/1/Rev/98, Dt:6-5-2000 as illegal , arbitrary and un constitutional and set aside the same and consequently direct the respondents to allow him to continue to run the fair price shop.

Counsel for the Petitioner: MR.C.V.BHASKAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court made the following :

O R D E R :

The petitioner herein, a fair price shop dealer, seeks to assail by way of Writ of Mandamus, the impugned orders dated 30.09.1997 passed by the third respondent herein cancelling her dealership, which has been confirmed by the orders of respondents 2 and 1 dated 09.06.1998 and 06.05.2000 respectively, as bad, illegal and void.

The case of the petitioner, in brief, is that initially she was appointed as fair price dealer in the year 1985 and in pursuance of complaints filed by a local villager and Ex-Sarpanch, a show-cause notice was issued to her on 23.04.1997. Thereupon, the petitioner filed detailed explanation on 07.05.1997 and ultimately, a direction was given by the first respondent to the third respondent to conduct enquiry. After conducting enquiry, penalty was imposed by the third respondent and the same was paid on 10.07.1997. Being not satisfied by the penalty imposed, some villagers and Ex-Sarpanch filed another complaint and thereupon further enquiry was ordered and a report was submitted by the Mandal Revenue Officer. This was followed by issuance of another show-cause notice dated 20.08.1997 and receipt of explanation dated 29.09.1997 from the petitioner. However, though enquiry was conducted, copy of the report was not furnished to the petitioner and yet, the impugned order was passed, which is confirmed in the appeal and also in the revision, by the second and first respondents respectively.

The short ground which is raised by the petitioner herein is that having regard to the fact that copy of the report was not furnished to the petitioner, the entire impugned proceedings are vitiated.

In support of her contention, the learned counsel appearing on behalf of the petitioner placed reliance on a decision in *A.Neelima V. The Joint Collector, Kurnool.*

The learned counsel appearing on behalf of the respondents sought to repel the aforesaid contentions of the petitioner.

Having heard both the sides and on perusal of material on record, it is seen that admittedly copy of report was not served on the petitioner during the entire proceedings. As observed by this Court in the aforesaid decision, failure to supply such copy of report totally vitiates the proceedings. Following the same, it is to be held that the impugned orders are not sustainable.

Accordingly, the Writ Petition is allowed setting aside the impugned orders dated 30.09.1997, 09.06.1998 and 06.05.2000 passed by the respondent Nos.3, 2 and 1 respectively. No costs.

10.09.2004

DRK

Copy to:

1 The Dist Collector,
Medak Dist at Sangareddy
2 The Joint Collector,
Medak Dist at SangaReddy
3 The Revenue Divisional Officer,

Siddipet , Medak Dist.

4 Two CCs to the G.P. for Civil Supplies, High Court buildings, High Court of A.P., Hyderabad (o.u.t.).

5 Two CD copies.